

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SPECIAL SESSION—SANTA BARBARA
OCTOBER 3 AND 4, 2006**

The following cases are placed upon the calendar of the Supreme Court for hearing at its Special Session in the Mural Room of the Superior Court of Santa Barbara County, 1100 Anacapa Street, Santa Barbara, California, on October 3 and 4, 2006

TUESDAY, OCTOBER 3, 2006—9:00 A.M.

Opening Remarks: Historic Special Session

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| (1) | S135263 | In re Jaime P. |
| (2) | S129125 | City of Goleta v. Superior Court of Santa Barbara County
(Oly Chadmar Sandpiper General Partnership,
Real Party in Interest) |
| (3) | S056391 | People v. Williams (Bob Russell) (Automatic Appeal) |

1:30 P.M.

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| (4) | S130717 | Philadelphia Indemnity Ins. Co. v. Montes-Harris |
| (5) | S130080 | People v. Trujillo (Manuel) |

WEDNESDAY, OCTOBER 4, 2006—9:00 A.M.

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| (6) | S123832 | Agua Caliente Band of Cahuilla Indians v. Superior Court of
Sacramento County (Fair Political Practices Commission,
Real Party in Interest) |
| (7) | S129220 | Fair v. Bakhtiari (Stonesfair Financial Corp. et al.) |
| (8) | S034725 | In re Burton (Andre) on Habeas Corpus |

GEORGE
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with rule 18(c) of the California Rules of Court.

**SUPREME COURT OF CALIFORNIA
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The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, OCTOBER 3, 2006—9:00 A.M.

Opening Remarks: Historic Special Session

(1) In re Jaime P., S135263

#05-188 In re Jaime P., S135263. (A107686; unpublished opinion; Superior Court of Solano County; J32334.) Petition for review after the Court of Appeal remanded for recalculation of maximum commitment term and otherwise affirmed. This case presents the following issue: Does the decision in *In re Tyrell J.* (1994) 8 Cal.4th 68, which held that the search of a juvenile may be justified by a probation search condition even if the officer conducting the search was not aware that the juvenile was subject to such a search condition, remain viable in light of the reasoning and holding of this court's subsequent decision in *People v. Sanders* (2003) 31 Cal.4th 318?

(2) City of Goleta v. Superior Court of Santa Barbara County (Oly Chadmar Sandpiper General Partnership, Real Party in Interest), S129125

#04-160 City of Goleta v. Superior Court of Santa Barbara County (Oly Chadmar Sandpiper General Partnership, Real Party in Interest), S129125. (B175054; 122 Cal.App.4th 1182; Superior Court of Santa Barbara County; SBSC 1111147.)

Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issues: (1) Must a newly incorporated city approve a final subdivision map if the county previously approved a tentative map? (2) Is a newly incorporated city estopped from disapproving a tentative map previously approved by the county if the city adopted the county ordinance requiring approval of the final map, exempted the project from a development moratorium, and worked with the developer to clear conditions?

(3) People v. Williams (Bob Russell), S056391 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

1:30 P.M.

(4) Philadelphia Indemnity Ins. Co. v. Montes-Harris, S130717

#05-50 Philadelphia Indemnity Ins. Co. v. Montes-Harris, S130717. (9th Cir. Nos. 03-56651, 03-56652; 395 F.3d 1046; Central District of California; CV 02-3616-RSWL.) Request under California Rules of Court, rule 29.8, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented is: “Does the duty of an insurer to investigate the insurability of an insured, as recognized by the California Supreme Court in *Barrera v. State Farm Mut. Auto. Ins. Co.* (1969) 71 Cal.2d 659, apply to an automobile liability insurer that issues an excess liability insurance contract in the context of a rental car transaction?”

(5) People v. Trujillo (Manuel), S130080

#05-42 People v. Trujillo (Manuel), S130080. (H026000; unpublished opinion; Superior Court of Santa Clara County; CC125830.) Petition for review after the Court of Appeal reversed a finding that defendant’s prior conviction was not a

“strike” within the meaning of the three-strikes law. This case includes the following issues: May the People appeal a finding that a prior conviction was not a serious felony within the meaning of the three-strikes law, or appeal the resulting allegedly unlawful sentence? (See Pen. Code, § 1238(a) & (d).) Did the trial court err in ruling that defendant’s alleged prior conviction for inflicting corporal injury in violation of Penal Code section 273.5, subdivision (a), was not a “strike”?

WEDNESDAY, OCTOBER 4, 2006—9:00 A.M.

(6) Agua Caliente Band of Cahuilla Indians v. Superior Court of Sacramento County (Fair Political Practices Commission, Real Party in Interest), S123832

#04-68 Agua Caliente Band of Cahuilla Indians v. Superior Court of Sacramento County (Fair Political Practices Commission, Real Party in Interest), S123832.

(C043716; 116 Cal.App.4th 545; Superior Court of Sacramento County; 02AS04545.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case includes the following issue: Can a California state court exercise jurisdiction over a federally recognized Indian tribe in an action by the Fair Political Practices Commission to enforce campaign contribution reporting requirements under the Political Reform Act (Gov. Code, § 81000 et seq.) where Congress has not authorized the suit and the tribe has not expressly waived its sovereign immunity?

(7) Fair v. Bakhtiari (Stonesfair Financial Corp. et al.), S129220

#05-01 Fair v. Bakhtiari (Stonesfair Financial Corp. et al.), S129220. (A100240; 122 Cal.App.4th 1457; Superior Court of San Mateo County; 417058.) Petition for review after the Court of Appeal reversed an order denying a motion to compel arbitration. This case includes the following issue: If the parties to a settlement agreement prepared in mediation include an arbitration provision, is the agreement

then deprived of confidentiality under Evidence Code section 1123(b)—which provides that such an agreement is not protected from disclosure if it is signed by the settling parties and “[t]he agreement provides that it is enforceable or binding or words to that effect”—on the theory that by including the arbitration provision, the parties used “words to that effect” and thus impliedly indicated the agreement was to be enforceable or binding?

(8) *In re Burton (Andre) on Habeas Corpus*, S034725

#97-164 *In re Burton (Andre) on Habeas Corpus*, S034725. Original proceeding. This case, presenting a claim of denial of the right to present a defense at the guilt phase of a capital trial, is related to the automatic appeal in *People v. Burton*, 48 Cal.3d 843.